

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Health, Bureau of Environmental Health, will conduct a public hearing at 1 p.m. Thursday, October 7, in the Prairie Room of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed new regulation 28-35-225b; amendments to regulations K.A.R. 28-35-135l, 28-35-135t, 28-35-135w, 28-35-175a, 28-35-178b, 28-35-178e, 28-35-178j, 28-35-180b, 28-35-181a, 28-35-181j, 28-35-181m, 28-35-181o, 28-35-192b, 28-35-192c, 28-35-192e, 28-35-192g, 28-35-194a, 28-35-212a, 28-35-216a, 28-35-231c, 28-35-242, 28-35-264, 28-35-334, 28-35-346 and 28-35-411; and the revocation of 28-35-181e and 28-35-192d, relating to radiation protection. A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

28-35-135l. Amends the definition of low dose-rate remote afterloader to correct an error.

28-35-135t. Amends the definition of total effective dose equivalent (TEDE) for compatibility with Nuclear Regulatory Commission (NRC) regulations.

28-35-135w. Amends the definition of waste required for compatibility with NRC regulations.

28-35-175a. Clarifies the requirements for licensing persons who own or acquire radioactive material required for compatibility with NRC regulations.

28-35-178b. Adds requirements for the element radium and additional requirements for transfer for specific licensees required for compatibility with NRC regulations.

28-35-178e. Adds requirements for the element radium required for compatibility with NRC regulations.

28-35-178j. Replaces the word by-product with the word radioactive to be consistent with the changed NRC definition of by-product required for compatibility with NRC regulations.

28-35-180b. Corrects an error in a value in a table to correspond with the correct value amount stated in the text of the regulation.

28-35-181a. Clarifies a reference to the radiation safety committee.

28-35-181e. Revoked. Removes outdated uses of radioactive materials for compatibility with NRC regulations.

28-35-181j. Adds requirements for the element radium required for compatibility with the NRC regulations.

28-35-181m. Adds the positron emission tomography (PET) facility and updates the definition of authorized nuclear pharmacist required for compatibility with NRC regulations.

28-35-181o. Adds the word transmission required for compatibility with NRC regulations.

28-35-192b. Adds criteria for exemptions for manufacturers, processors or producers required for compatibility with NRC regulations.

28-35-192c. Removes exemptions for certain items that are no longer manufactured required for compatibility with NRC regulations.

28-35-192d. Revoked. Removes references to discontinued practices required for compatibility with NRC regulations.

28-35-192e. Adds a requirement for license to manufacture, process or produce gas and aerosol detectors containing radioactive material required for compatibility with NRC regulations.

28-35-192g. Adds a clarifying statement regarding the aggregation of radioactive material sources to exceed exempt quantities required for compatibility with NRC regulations.

28-35-194a. Requires a specific license with the department if activities are performed within the state for more than 180 days in a calendar year.

28-35-212a. Clarifies calculation methods for determining external exposure required for compatibility with the NRC regulations.

28-35-216a. Requires radioactive sources in storage to be tested for leakage at least every 10 years.

28-35-225b. Adopts by reference the NRC regulation related to disposal of certain radioactive material.

28-35-231c. Updates the dates for the adoption by reference for compatibility with NRC regulations.

28-35-242. Clarifies the description of who can order X-rays as requested by the Board of Healing Arts.

28-35-264. Updates the adoption by reference date required for compatibility with NRC regulations.

28-35-334. Adds additional requirements for providing dose information to individual workers required for compatibility with the NRC regulations.

28-35-346. Corrects minor errors in the text of the regulation.

28-35-411. Adds requirements for the element radium required for compatibility with NRC regulations.

Economic Impact:

Cost to licensees or registrants: K.A.R. 28-35-180b includes an increase in the financial assurance amount necessary to ensure adequate funding for decommissioning. Currently, no licensees utilize the financial assurance option that will be affected by this change. K.A.R. 28-35-194a limits the amount of time a licensee may be in the state under reciprocity to 180 days. This is not expected to impact licensees since, to date, none have utilized reciprocity for greater than 180 days. K.A.R. 28-35-216a limits the time a sealed source may be in storage without a leak test to 10 years. This will result in a minor cost impact at 10 year intervals.

Cost to the Agency: There is no increase in costs to the agency.

Cost to other governmental agencies or units: There is no known additional cost.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period any interested parties may submit written comments to Thomas Conley, Kansas Department of Health and Environment, Bureau of Environmental Health, 1000 S.W. Jackson, Suite 330, Topeka, 66612-1365, or by e-mail to tconley@kdheks.gov. All interested parties intending to provide oral comments will be given a reasonable opportunity to present their view of the proposed regulations during the hearing. In order to give each individual or entity an opportunity to present their view, it may be necessary for the hearing officer to request that each presenter limit any of their presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding regulatory impact statement may be obtained on the Radiation Control Program Web site at <http://www.kdheks.gov/radiation/radpubnotice.html> or by contacting Thomas Conley, at the address above, (785) 296-1565 or fax (785) 296-0984.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Thomas Conley.

Roderick L. Bremby

Secretary of Health and Environment